IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Bail Appl..No. 7623 of 2007()

[CRIME NO.290/2007 OF KATTOOR POLICE STATION, TRICHUR]

: PETITIONERS/ACUSED NO.1 TO 3

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1. BINOJ K.B., AGED 27 YEARS,
   S/O.BALAKRISHNAN, KAKKATHURUTHY P.O.
   EDATHIRINJI VILLAGE, TRICHUR

2. JINENDRAPRASAD, S/O.VELAYI,
   KOPPULLIPPARAMBIL HOUSE,
   KAKKATHURUTHY P.O., EDATHIRINJI VILLAGE,
   TRICHUR.

3. P.A.SHOLLY, AGED 29 YEARS,
   S/O.ANTONY, KAKKATHURUTHY P.O.
   EDATHIRINJI VILLAGE, TRICHUR.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS:

STATION HOUSE OFFICER,
KATTOOR POLICE STATION, TRICHUR
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7623 of 2007

Dated this the 12th day of December 2007

O R D E R

Application for regular bail. The petitioners face allegations for offences punishable inter alia under Section 308 I.P.C. They had come to this court for anticipatory bail earlier but the said applications were dismissed. Facts have been referred to in detail in the order in that anticipatory bail application of the third accused which was dismissed as per order dated 23/10/2007 in B.A.No.6405/2007. The investigation is in progress. The alleged incident took place on 7/10/2007. The petitioners surrendered on 16/11/2007. The incident was a sequel to the conflict between the BJP and the CPM. The victim had allegedly shifted loyalty from BJP to CPM. The petitioners continue in custody from 16/11/2007.

2. The learned counsel for the petitioners submits that the petitioners are innocent. He prays that the petitioners may be enlarged on bail.

3. The learned Public Prosecutor opposes the application and submits that the investigators may be granted some further

time to complete the investigation. The petitioners have criminal antecedents. If this court were inclined to grant bail to the petitioners, appropriate safeguards may be insisted in the interests of a fair and efficient investigation as also the law and order situation in the locality.

4. Having considered all the relevant inputs, I am satisfied that the petitioners can be granted bail now subject to appropriate terms and conditions:

5. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigating officer is granted reasonable further time to complete the investigation and I am satisfied that regular bail can be granted to the petitioner subject to appropriate conditions.

6. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 24/12/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) They shall execute bonds for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of two months from the date of their release and thereafter as and when directed by the investigating officer in writing to do so.

iv) The petitioners shall not, during the said period of two months, enter the jurisdiction of the Kattoor police station, Trichur without the prior permission of the learned Magistrate except for the purpose of complying with condition No.iii) above.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007